

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:24-cv-00187-MR**

ZEBULON SPURLOCK,)
)
Plaintiff,)
)
vs.)
)
ALAN C. JONES, et al.,) **ORDER**
)
Defendants.)
)

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff, a federal prisoner, filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred in Caldwell County on May 28, 2020. [Doc. 1]. On October 4, 2024, the Complaint was dismissed on initial review and the Court granted the Plaintiff 30 days in which to amend. [Doc. 8].¹ The Plaintiff was cautioned that “[s]hould the Plaintiff fail to timely amend his Complaint in accordance with this Order, the Court will dismiss this action without further notice.” [Id. at 9].

¹ In the Order on initial review of the Complaint, the Court also denied the Plaintiff’s request to stop charging his inmate account for the filing fee. [See Docs. 7, 8]. The Court subsequently denied another request for the same relief. [See Docs. 9, 10].

The Plaintiff has not amended his Complaint, and the time to do so has expired. It appears that the Plaintiff may have abandoned this action, and the Court is unable to proceed. Accordingly, this action is dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

Signed: December 11, 2024



Martin Reidinger
Chief United States District Judge

